

**Before the
Federal Communications Commission
Washington, D.C. 20554**

Domestic Section 214 Applications Filed)	
For The Acquisition of Certain Assets of)	WC Docket No. 08-28
Starvox Communications, Inc. and Capital)	
Telecommunications, Inc. by bComm, Inc.)	

COMMENTS OF MANHATTAN TELECOMMUNICATIONS CORPORATION

Pursuant to the Commission’s Public Notice issued in this proceeding on February 25, 2008, DA 08-456, Manhattan Telecommunications Corporation d/b/a Metropolitan Telecommunications a/k/a MetTel (“MetTel”) submits the following comments to request that the Commission remove the above-captioned applications from streamlined processing so that the Bureau may examine the public interest concerns raised by these comments and posed by the Applications.

The Commission’s rules provide that it is appropriate to remove an application from streamlined processing if “[t]imely-filed comments on the application raise public interest concerns that require further Commission review”¹ or if “the application requires further analysis to determine whether a proposed transfer of control would serve the public interest.”² Both of these factors are present in this case.

On November 21, 2007, MetTel executed an agreement with Capital Telecommunications, Inc. and its affiliate Starvox Communications, Inc. (together, “Starvox”) in which MetTel purchased the accounts of more than 6000 local and long distance customers of these two companies. This transaction was approved by the Bureau in Docket 07-275, DA 08-75 (rel. Jan. 11, 2008) and in Docket 07-288, DA 08-119 (rel. Jan. 17, 2008).

¹ 47 C.F.R. § 63.03(c)(iv).

² 47 C.F.R. § 63.03(c)(v).

On or about February 18, 2008, the new MetTel customers acquired in that transaction began to receive letters from Starvox (dated February 12, 2008) indicating that their services were being transferred to bComm.³ It is now MetTel's understanding from Starvox that this letter was sent to each and every customer that MetTel acquired. MetTel's customer service department was immediately swamped for a period of several days by calls from these customers confused as to their status. Some customers, believing from Starvox's letter that that MetTel was no longer their carrier or that it was going out of business, stopped paying their MetTel invoices, and/or switched to other carriers.

MetTel contacted Starvox immediately, and over the past several weeks, MetTel has attempted to confirm with Starvox and bComm that the services purchased by MetTel would not be transferred to bComm without the end user customer's express authorization. However, even Starvox's own slamming notice, filed with the Commission in Docket 00-257 on February 29, 2008, attached a letter that is addressed to a customer in Salisbury, Maryland that MetTel believes is its customer.⁴

The Commission should not approve the Application in this docket without first clarifying the facts of this case, so it does not unintentionally through approval of the Application appear to grant bComm the authority to slam MetTel's customers, and so that it can assure that no customer accounts have been sold twice by Starvox. During MetTel's conversations with Starvox, Starvox has taken the position that when it sold the customer's local and long distance services, it did not sell the customer's toll-free services, which it purported to retain and then later sell to bComm for additional consideration. MetTel disagrees and believes that it purchased all of the end-users' long-distance services when it acquired the customer based from Starvox.

³ See Exhibit 1.

⁴ See Docket 00-257, Notification of Transfer of Subscribers from Capital Telecommunications, Inc. and Starvox Communications, Inc. to bComm, Inc. Pursuant to 47 C.F.R. Section 64.1120, at Attachment B.

Indeed, most consumers view toll-free and long-distance as a single product and want a single carrier to provide these services, and the public interest would not be served by splitting such services of these customers at single locations between multiple carriers when MetTel would be willing to provide the services on a unified basis to the customers.

The bComm Application also poses a public interest concern as to the qualifications of bComm to provide service. To the best of MetTel's knowledge, bComm has not received the required state telecommunications authorizations from at least some of the states apparently covered by bComm's application.

MetTel has been unable to obtain complete information regarding the Starvox-bComm transaction and the status of each of the MetTel customers who received incorrect letters from Starvox stating that they were being transferred to bComm. It may be that the issues raised by MetTel in this letter can subsequently be resolved by the parties and the affected customers without the Commission's involvement, or otherwise can be satisfactorily answered by Starvox and/or bComm in a response. But even if so, MetTel, the Commission and the public need more time to get to the bottom of this most unusual proposed transaction. Therefore, the Commission should remove this Application from streamlined treatment and afford MetTel and the public more time to provide comments in this proceeding.

Respectfully submitted,



Paul B. Hudson
DAVIS WRIGHT TREMAINE LLP
1919 Pennsylvania Ave. N.W., Suite 200
Washington, DC 20006
202-973-4275

Counsel for Manhattan Telecommunications Corp.

March 10, 2008

Exhibit 1

**Starvox Slamming Notice
(see Attachment B)**

3050 K. STREET, N.W.

SUITE 400

WASHINGTON, D.C. 20007

(202) 342-8400

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February 29, 2008

BY HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, D.C. 20554

FILED/ACCEPTED

FEB 29 2008

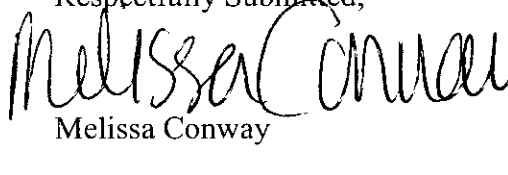
Federal Communications Commission
Office of the Secretary

Re: **CC Docket No. 00-257**: Notification of Transfer of Subscribers from
Capital Telecommunications, Inc. and Starvox Communications, Inc. to
bComm, Inc. Pursuant to 47 C.F.R. Section 64.1120

Dear Ms. Dortch:

Enclosed please find an original and four (4) copies of the above-referenced notification. Also enclosed is a duplicate copy of this filing. Please date-stamp the duplicate upon receipt and return it in the envelope provided. Should you have any questions with respect to this matter, please contact Melissa Conway at (202) 342-8552.

Respectfully Submitted,


Melissa Conway

Enclosures

cc: Best Copy & Printing, Inc.

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February 29, 2008

BY HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notification of Transfer of Subscribers from Capital
Telecommunications, Inc. and Starvox Communications, Inc. to
bComm, Inc.— CC Docket No. 00-257

Dear Ms. Dortch:

Pursuant to Section 64.1120 of the Commission's rules, 47 C.F.R. § 64.1120, bComm, Inc. ("bComm"), by its counsel, respectfully notifies the Commission that bComm intends to acquire all of the customers of Capital Telecommunications, Inc. ("CTI") and Starvox Communications, Inc. ("Starvox"). bComm is complying with the Commission's rules and procedures governing compliance with section 258 of the Communications Act of 1934, as amended, including the provision of advanced written notice to all affected customers. In conformity with Commission rules, bComm provides the following information:

Parties to the Transaction: The parties involved in the transaction are bComm, Inc. (the assignee), Capital Telecommunications, Inc. (an assignor) and Starvox Communications, Inc. (an assignor).

BY HAND DELIVERY

Marlene H. Dortch, Secretary

February 29, 2008

Page Two

Types of Telecommunications Services Provided to the Affected Subscribers:

CTI and Starvox currently provide competitive local exchange, long distance (domestic and international), and data services to their subscribers. bComm will provide the same services to these subscribers.

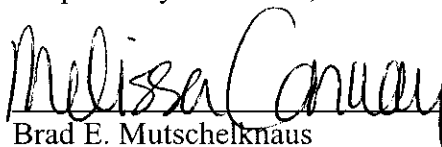
Date of Transfer of the Subscribers to Acquiring Carrier:

CTI and Starvox intend to transfer their subscribers to bComm on March 31, 2008 or as soon thereafter as all necessary regulatory approvals have been obtained.

Attached to this letter are (a) bComm's certification of compliance with the requirements of the Commission governing transfers of subscribers, and (b) a copy of the notice sent to the affected subscribers, as required under the rules. The customer notices were mailed to the affected customers on February 12, 2008.

Please contact the undersigned if you have any questions concerning this notification.

Respectfully submitted,



Brad E. Mutschelknaus

Melissa S. Conway

KELLEY DRYE & WARREN LLP

3050 K Street, N.W., Suite 400

Washington, D.C. 20007

(202) 342-8552

Counsel for bComm, Inc., Capital
Telecommunications, Inc. and Starvox
Communications, Inc.

Attachments

ATTACHMENT A

CERTIFICATION OF COMPLIANCE

CERTIFICATION OF bCOMM, INC.

The undersigned hereby certifies as follows:

1. I have read the foregoing document and hereby verify that the statements therein are true, complete and correct to the best of my knowledge.

2. In accordance with Section 64.1120(e) of the Commission's rules, 47 C.F.R. §64.1120, bComm, Inc. has complied with the required FCC procedures for the acquisition of certain customers of Capital Telecommunications, Inc. and Starvox Communications, Inc., including the provision of advanced written notice to all affected subscribers.

bCOMM, INC.

By: Chris McKee

Name: Chris McKee

Title: General Counsel

Date: 2/28/08

Sworn and subscribed to before me this
29 day of February 2008.

Jerome Oyenoyin
Notary Public

My Commission expires:

Jerome Oyenoyin
Notary Public District of Columbia
My Commission Expires 03-31-2011

ATTACHMENT B

CUSTOMER NOTICE

**Capital Telecommunications, Inc.**HALL-UNION
212-530-2592**Voice. Data. Internet. Wireless.****AN IMPORTANT NOTICE REGARDING YOUR SERVICE FROM CTI/STARVOX COMMUNICATIONS AND bComm, Inc.****A W HALL INS AGENCY 652924
308 E MAIN ST
SALISBURY, MD 21801**

February 12, 2008

Dear CTI and StarVox Customers:

In order to ensure that you continue to receive high quality service, we are pleased to inform you that CTI and StarVox Communications ("CTI/StarVox") have entered into an agreement to transfer CTI/StarVox customers to bComm, Inc. ("bComm"). Subject to final regulatory approvals, the anticipated date for the transfer of your service to bComm is March 31, 2008, or as soon thereafter as the necessary governmental approvals can be obtained. Upon completion of the transfer, CTI/StarVox will no longer be your local or long distance telephone, internet or data service provider.

As a customer of bComm, you will continue to receive all the features, terms and conditions of service, and current rates that you enjoy today. You will receive a Welcome Letter from bComm shortly with additional information.

You will not be inconvenienced by this change – your current telephone number and account will be migrated to bComm and the process will be seamless. The only change you will notice is the name of your new service provider on your bill beginning in April 2008

As part of CTI/StarVox's discontinuation of service process, we are required to provide you with the following information:

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554 referencing the \$63.71 Application of StarVox Communications Services, Inc. Comments should include specific information about the impact of the proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

The transfer of your account to bComm is subject to the parties being able to close the transaction and obtaining the final approval of the state and federal regulatory authorities. We will notify you of any developments that affect the timing or details regarding the transfer of your service as soon as reasonably possible.

It has been the pleasure of CTI/StarVox to provide you with quality local, long distance and data communications services and we emphasize that you are a valued customer of CTI/StarVox and will be treated as such by bComm. You will automatically become a bComm customer and bComm will pay any change charges associated with the transfer of your account, unless, subject to any contractual obligations with CTI/StarVox, you choose another carrier within thirty (30) days of the date of this letter. You may choose another carrier for your telephone service at any time in accordance with the terms of your contract. If you have placed a "freeze" on CTI/StarVox's local or long distance services to prevent their unauthorized transfer to another carrier, it will be lifted and your StarVox services will be transferred to bComm. At your request, bComm can re-establish freeze protection for you after the transfer.

If you have any questions regarding this notice or any of CTI/StarVox's services, please contact a representative of CTI/StarVox at 800-673-2400 located at 147 West Philadelphia Street, York PA 17401.

Cordially,

bComm, Inc.

CTI/StarVox Communications, Inc